

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ALFREDO FUENTES,

Plaintiff,

vs.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No.: 3:15-cv-266

District Judge Walter H. Rice
Magistrate Judge Michael J. Newman

ORDER AND ENTRY: (1) GRANTING THE JOINT, UNOPPOSED MOTION FOR REMAND (DOC. 11); (2) REVERSING THE ALJ'S NON-DISABILITY FINDING; (3) REMANDING THIS CASE TO THE COMMISSIONER UNDER THE FOURTH SENTENCE OF 42 U.S.C. § 405(g) FOR FURTHER ADMINISTRATIVE PROCEEDINGS; (4) DIRECTING THE CLERK TO ENTER JUDGMENT IN FAVOR OF PLAINTIFF; AND (5) TERMINATING THIS CASE ON THE COURT'S DOCKET

The parties in this Social Security disability benefits appeal jointly move for an Order remanding this case for further administrative proceedings pursuant to the Fourth Sentence of 42 U.S.C. § 405(g), and for the entry of judgment pursuant to Fed. R. Civ. P. 58. Doc. 11. The parties state that, on remand, the Administrative Law Judge will: offer Plaintiff an opportunity for a *de novo* hearing; develop the record, including soliciting additional vocational expert testimony to determine if Plaintiff can perform his past relevant work or other jobs in the economy; and comply with the regulations and rulings, including 20 C.F.R. §§ 404.983, 404.977 and Social Security Rulings 98-3(6) and 98-4(6). *Id.*

For good cause shown, and because the requirements of a Sentence Four remand have been satisfied, **IT IS ORDERED THAT:** (1) the parties' joint, unopposed motion for a Sentence Four remand (doc. 11) is **GRANTED**; (2) the ALJ's non-disability finding is **REVERSED**; (3) this case is **REMANDED** to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g)

for further proceedings; and (4) this case is **TERMINATED** upon the Court's docket. The Clerk is **ORDERED** to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

Date: 3-1-16



Walter H. Rice
United States District Judge